

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JIM T. GLOVER, JR.,)	CASE NO. 1:18 CV 01134
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
CORPORAL BOARDMAN, et al.,)	ORDER ADOPTING MAGISTRATE
)	JUDGE'S REVISED REPORT AND
Defendants.)	RECOMMENDATION

This matter is before the Court upon the Revised Report and Recommendation of Magistrate Judge Jennifer Dowdell Armstrong (ECF #69), related to Defendant Cuyahoga County's ("County") Corrected Motion for Summary Judgment (ECF #65-1), which Revised Report and Recommendation was filed on November 1, 2022.

PROCEDURAL BACKGROUND

A brief procedural outline of the posture of the Revised Report and Recommendation and this Court's ruling is in order. On February 17, 2022, other Defendants in this case, Steven Boardman ("Boardman") and Philip Irion, Jr. ("Irion"), filed a Motion for Summary Judgment (ECF #52) on Plaintiff Jim T. Glover's ("Glover") Amended Complaint (ECF #36). On the same date, the County filed a Motion for Summary Judgment (ECF #53), which pleading was a verbatim copy of the Boardman and Irion motion.

On November 1, 2022, Magistrate Judge Armstrong issued a Report and Recommendation related to the Motions for Summary Judgment, which Report and

Recommendation noted the verbatim duplication of the two summary judgment pleadings (ECF #64 PageID #442). Later that same day, the County filed a Motion for Leave to Correct Filing Error, noting that it had inadvertently filed a duplicate copy of the Boardman and Irion motion as the County's motion (ECF #65 PageID #463). Attached to the motion was a copy of a "Corrected Motion," which was the pleading the County had intended to file as its own Motion for Summary Judgment (ECF #65-1).

On November 7, 2022, this Court granted the County's Motion for Leave to Correct Filing Error per marginal entry order (ECF #66). On November 15, 2022, this Court issued an Order of Referral, referring the case to Magistrate Judge Armstrong for supervision of the remaining briefing on the County's Corrected Motion for Summary Judgment, and to provide a Revised Report and Recommendation incorporating all of the issues raised in the County's corrected motion (ECF #67). On November 22, 2022, Magistrate Judge Armstrong then issued an order directing Plaintiff to respond to the County's corrected motion by December 5, 2022 (Non-Document ECF Entry, dated November 22, 2022). Glover did not file a response.

On December 15, 2022, Magistrate Judge Armstrong issued a Revised Report and Recommendation (ECF #69), recommending that the Court GRANT the County's Corrected Motion for Summary Judgment (ECF #65-1) and to STRIKE the County's inadvertently filed Motion for Summary Judgment (ECF #53) from the record.

STANDARD OF REVIEW

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to the report and recommendation. When objections are made to the magistrate judge's report and recommendation, the district court

reviews the case *de novo*. FED. R. CIV. P. 72(b)(3). When no timely objection is filed, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72 Advisory Committee Notes (citations omitted). *See also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”) (on *certiorari* from the Sixth Circuit).

CONCLUSION

The Court has carefully reviewed the Revised Report and Recommendation (ECF #69), and agrees with the findings set forth therein. Accordingly, the Revised Report and Recommendation of Magistrate Judge Armstrong (ECF #69) is ADOPTED. Defendant Cuyahoga County’s Corrected Motion for Summary Judgment (ECF #65-1) is GRANTED, and the County’s earlier inadvertently filed Motion for Summary Judgment (ECF #53) is ordered STRICKEN from the record.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: January 12, 2023